

**CALENDAR ITEM
C30**

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08/24/06
PRC 5865 WP 5865.9
V. Massey

S 6, 4

**TERMINATION OF A GENERAL LEASE - RECREATIONAL AND PROTECTIVE
STRUCTURE USE AND ISSUANCE OF A NEW GENERAL LEASE -
RECREATIONAL AND PROTECTIVE STRUCTURE USE**

LESSEES:

Richard B. Kelly and Karen M. Kelly

APPLICANTS:

Peter R. Moore and Jan Moore

AREA, LAND TYPE, AND LOCATION:

0.012 acres, more or less, of sovereign lands in the Sacramento River, adjacent to the Garden Highway, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock, gangway, and bank protection.

LEASE TERM:

Ten years, beginning August 24, 2006.

CONSIDERATION:

Uncovered floating boat dock and gangway: No monetary consideration pursuant to Public Resources Code section 6503.5.

Bank Protection: The public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

SPECIFIC LEASE PROVISIONS:

Liability insurance in the amount of no less than \$500,000.

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OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. On February 21, 2003, the Commission authorized a General Lease - Recreational and Protective Structure Use to Richard B. Kelly and Karen M. Kelly. That lease will expire November 30, 2012. The Lessees have since transferred ownership of the uplands to Peter R. Moore and Jan Moore (Applicants). The Applicants are now applying for a new General Lease - Recreational and Protective Structure Use. The Applicants qualify for a rent free boat dock and gangway because they are natural persons who have improved the littoral land with, and use the uplands for, a single-family dwelling.
3. The bank protection at this location mutually benefits both the public and the Applicants. The bank of the Sacramento River will have the additional protection from wave action provided at no cost to the public.
4. Staff is recommending termination of the existing lease and approval of a new lease, to be effective as of the date of the Commission meeting.
5. **Termination of Existing General Lease – Recreational and Protective Structure Use:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

6. **Issuance of New General Lease – Recreational and Protective Structure Use:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

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Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

TERMINATION OF EXISTING GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE: FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

ISSUANCE OF A NEW GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

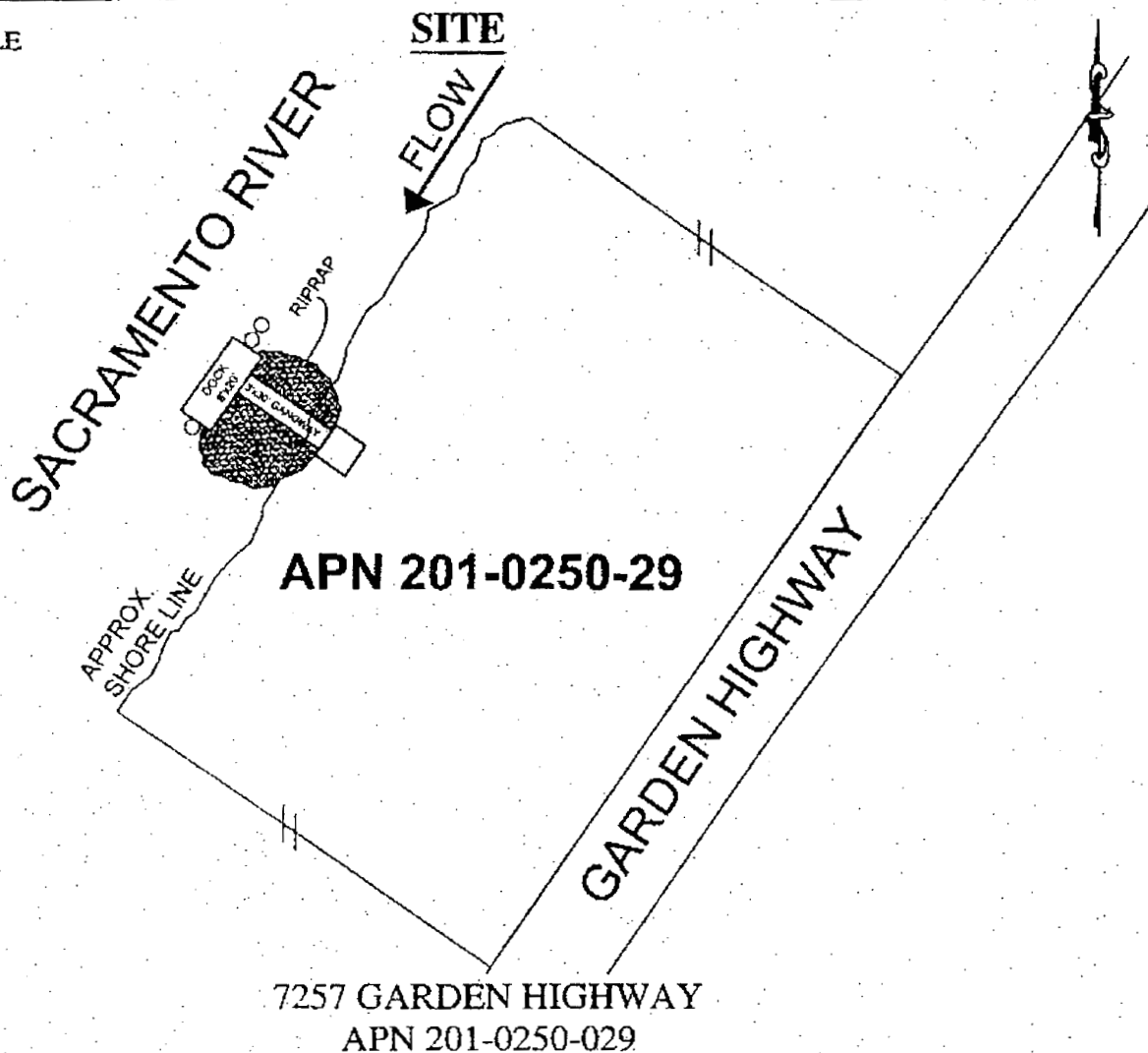
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

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AUTHORIZATION:

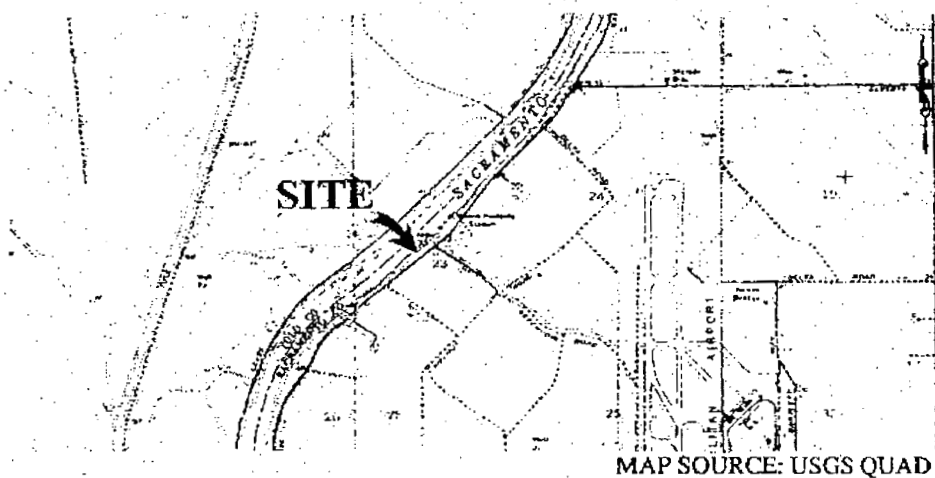
1. AUTHORIZE TERMINATION, EFFECTIVE AUGUST 24, 2006, OF LEASE PRC 5865.9, A GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE, ISSUED TO RICHARD B. KELLY AND KAREN M. KELLY AND APPROVED BY THE COMMISSION ON FEBRUARY 21, 2003.
2. AUTHORIZE ISSUANCE TO PETER R. MOORE AND JAN MOORE OF A GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE, BEGINNING AUGUST 24, 2006, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING UNCOVERED FLOATING BOAT DOCK, GANGWAY, AND BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION: UNCOVERED FLOATING BOAT DOCK AND GANGWAY: NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; BANK PROTECTION: THE PUBLIC USE AND BENEFIT WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$500,000.

NO SCALE



NO SCALE

LOCATION



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit A

PRC 5865.4
GENERAL LEASE
PROTECTIVE STRUCTURE
RECREATIONAL USE
SACRAMENTO COUNTY



JAK 05/02